

Not for Publication

**United States District Court
for the District of New Jersey**

DANIEL GUTIERREZ,
Plaintiff,

v.

LCC LANDSCAPES and LUCIANO
CAGGIANO, JR.,

Defendants.

Civil No.: 14-2129 (KSH)

Opinion and Order

Katharine S. Hayden, U.S.D.J.

This matter comes before the Court upon plaintiff Daniel Gutierrez’s motion for entry of default judgment [D.E. 12] against defendants LCC Landscapes and Luciano Caggiano, Jr. (“Defendants”); and

Gutierrez having commenced this action against Defendants for their alleged violation of the Fair Labor Standards Act, 29 U.S.C. § 201 and the New Jersey State Wage and Hour Law, N.J.S.A. 34:11-561; and

The Court, having reviewed Gutierrez’s submissions on the motion, finding, in exercise of its discretion, that Gutierrez’s proof of damages [D.E. 12-1, 12-2, and 12-3] is inadequate to support its request for default judgment;

IT IS, on this 30th day of December 2014,

ORDERED that the motion for entry of default judgment [D.E. 12] is DENIED. Plaintiff may refile his motion on or before January 23, 2015, returnable February 17, 2015, properly supported with full explanation of damage demands.

/s/ Katharine S. Hayden
Katharine S. Hayden, U.S.D.J.